

1 to document was marked into
2 evidence as SFUSD Exhibit No.
3 11, for identification.)

4 (Whereupon, the document
5 previously marked as SFUSD
6 Exhibit No. 11 was received
7 into evidence.)

8 MS. REPP: SFUSD moves, into evidence in
9 this proceeding, Exhibit No. 12. It is an April 5,
10 2001 Fax Cover Sheet from Bill Helgeson to Susan
11 Jenkins and consists of 1 page.

12 ADMIN. JUDGE SIPPEL: Any objection?

13 MR. SHOOK: None.

14 ADMIN. JUDGE SIPPEL: SFUSD Exhibit No. 12
15 is marked and received.

16 (Whereupon, the above-referred
17 to document was marked into
18 evidence as SFUSD Exhibit No.
19 12, for identification.)

20 (Whereupon, the document
21 previously marked as SFUSD
22 Exhibit No. 12 was received
23 into evidence.)

24 MS. REPP: SFUSD moves, into evidence,
25 Exhibit No. 13. It is an April 5, 2001 E-Mail from

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Bill Helgeson to Ernest Sanchez, and it consists of 3
2 pages.

3 ADMIN. JUDGE SIPPEL: Objection?

4 MR. SHOOK: None.

5 ADMIN. JUDGE SIPPEL: Okay, Exhibit No. 13
6 is marked and received.

7 (Whereupon, the above-referred
8 to document was marked into
9 evidence as SFUSD Exhibit No.
10 13, for identification.)

11 (Whereupon, the document
12 previously marked as SFUSD
13 Exhibit No. 13 was received
14 into evidence.)

15 MS. REPP: SFUSD moves, into evidence,
16 Exhibit No. 14, a document subject to stipulation. It
17 is Handwritten Notes from Susan Jenkins regarding
18 conference call with Bill Helgeson, and it's dated
19 either 3/29/01 or 3/30/01 and it consists of 1 page.

20 ADMIN. JUDGE SIPPEL: Objection?

21 MR. SHOOK: None.

22 ADMIN. JUDGE SIPPEL: Marked and received,
23 it's Exhibit No. 14. Next one?

24 (Whereupon, the above-referred
25 to document was marked into

1 evidence as SFUSD Exhibit No.
2 14, for identification.)
3 (Whereupon, the document
4 previously marked as SFUSD
5 Exhibit No. 14 was received
6 into evidence.)

7 MS. REPP: SFUSD moves, into evidence,
8 Exhibit No. 15, Excerpts from William Helgeson's
9 Deposition of 9/28/04. It consists of 72 pages.

10 ADMIN. JUDGE SIPPEL: Objection?

11 MR. SHOOK: No objection, Your Honor.
12 But, in accordance with Rule 1.321D4, the Bureau would
13 request that additional relevant pages of this
14 deposition also be included in the proffer.

15 And those pages would be Pages Nos. 201-
16 253, and Pages Nos. 257-267.

17 ADMIN. JUDGE SIPPEL: You want the entire
18 document in?

19 MR. SHOOK: Basically. There are a number
20 of pages that we have not included, but those pages we
21 believe aren't relevant anyway.

22 ADMIN. JUDGE SIPPEL: Ms. Repp, any
23 objections to that?

24 MS. REPP: No objection, Your Honor. If
25 you would prefer, we have one copy of the entire

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 deposition? Two copies. We could proffer that
2 instead. Do we know how many pages it is?

3 MR. SHOOK: The entire deposition would be
4 acceptable.

5 ADMIN. JUDGE SIPPEL: That makes sense.
6 154 pages.

7 MS. REPP: Therefore, SFUSD moves, into
8 evidence, proposed Exhibit No. 15, the entire
9 Deposition Transcript of William Helgeson from
10 September 28, 2004.

11 ADMIN. JUDGE SIPPEL: Okay, and there's no
12 objection?

13 MR. SHOOK: Correct.

14 ADMIN. JUDGE SIPPEL: Then Exhibit No. 15
15 is marked and received. And that's the entire
16 Deposition of William Helgeson taken on September 28,
17 2004.

18 (Whereupon, the above-referred
19 to document was marked into
20 evidence as SFUSD Exhibit No.
21 15, for identification.)

22 (Whereupon, the document
23 previously marked as SFUSD
24 Exhibit No. 15 was received
25 into evidence.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Your next exhibit, please?

2 MS. REPP: SFUSD moves, into the record,
3 Exhibit No. 16, a document that's subject to
4 stipulation, the Daily Calendar of Nicole Siwaya for
5 March, 2001. It is 4 pages in length.

6 ADMIN. JUDGE SIPPEL: Any objection?

7 MR. SHOOK: None.

8 ADMIN. JUDGE SIPPEL: Okay, that's
9 received. That's Exhibit No. 16.

10 (Whereupon, the above-referred
11 to document was marked into
12 evidence as SFUSD Exhibit No.
13 16, for identification.)

14 (Whereupon, the document
15 previously marked as SFUSD
16 Exhibit No. 16 was received
17 into evidence.)

18 Let me just interject for just a minute.
19 I take it you will get to me a complete copy of the
20 Helgeson Deposition at some point?

21 MS. REPP: Yes, Your Honor.

22 ADMIN. JUDGE SIPPEL: You don't have to do
23 that today, and I'll just substitute it in the binder
24 that you've given me. Thank you. I'm sorry, I
25 stopped you at Exhibit No. 16. Exhibit No. 16 is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 marked and received. Your next exhibit, then?

2 MS. REPP: SFUSD proffers into the record
3 Exhibit No. 17, SFUSD's Revised Response to the
4 Bureau's Request for Admission, dated October 12,
5 2004, consisting of 33 pages.

6 ADMIN. JUDGE SIPPEL: Okay, any objection?

7 MR. SHOOK: No.

8 ADMIN. JUDGE SIPPEL: Okay, SFUSD Exhibit
9 No. 17 is marked and received.

10 (Whereupon, the above-referred
11 to document was marked into
12 evidence as SFUSD Exhibit No.
13 17, for identification.)

14 (Whereupon, the document
15 previously marked as SFUSD
16 Exhibit No. 17 was received
17 into evidence.)

18 Your next one?

19 MS. REPP: SFUSD moves, into evidence,
20 Exhibit No. 18, Excerpts from Nicole Siwaya's
21 September 28, 2004 Deposition, consisting of 32 pages.

22 ADMIN. JUDGE SIPPEL: Any objection here?

23 MS. LEAVITT: Yes, Your Honor. Similar to
24 our objection to Mr. Helgeson's testimony, pursuant to
25 1.321D4 of the Commission's Rules, we would ask that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the entire deposition be moved in.

2 Several sections were omitted, Pages 357-
3 366, I believe, Pages 382-388 and pages 402-423. And
4 that testimony is relevant to her credibility.

5 MS. REPP: Your Honor, we have the entire
6 deposition transcript, and we would propose instead to
7 move that into the record.

8 ADMIN. JUDGE SIPPEL: Any objection to
9 that?

10 MS. LEAVITT: No, Your Honor.

11 ADMIN. JUDGE SIPPEL: All right, we'll do
12 the same as that as we did with the Helgeson
13 Deposition.

14 MS. REPP: Yes, Your Honor, we are moving
15 into the record as Exhibit No. 18 the entire
16 Deposition Transcript from Nicole Siwaya's September
17 28, 2004 Deposition, consisting of 64 pages.

18 ADMIN. JUDGE SIPPEL: Marked and received
19 as Exhibit No. 18.

20 (Whereupon, the above-referred
21 to document was marked into
22 evidence as SFUSD Exhibit No.
23 18, for identification.)

24 (Whereupon, the document
25 previously marked as SFUSD

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 Exhibit No. 18 was received
2 into evidence.)

3 MS. REPP: And we will provide a full copy
4 to the Court.

5 MR. SHOOK: I could have sworn I had her
6 up for longer than that.

7 (Laughter.)

8 ADMIN. JUDGE SIPPEL: Well, this cuts
9 against your policy of cutting down on paperwork, but
10 I think for good reason, Mr. Shook.

11 MR. SHOOK: Your Honor, periodically I'm
12 selective when it comes to that.

13 (Laughter.)

14 ADMIN. JUDGE SIPPEL: Your next one, then,
15 should be Exhibit No. 19.

16 MS. REPP: Thank you, Your Honor. SFUSD
17 moves into evidence Exhibit No. 19, which is a
18 stipulated document. It's the March 26, 2001 E-Mail
19 from Nicole Siwaya to Ernest Sanchez, consisting of 1
20 page.

21 ADMIN. JUDGE SIPPEL: Objection?

22 MR. SHOOK: No objection.

23 ADMIN. JUDGE SIPPEL: Exhibit No. 19 is
24 marked and received.

25 (Whereupon, the above-referred

1 to document was marked into
2 evidence as SFUSD Exhibit No.
3 19, for identification.)

4 (Whereupon, the document
5 previously marked as SFUSD
6 Exhibit No. 19 was received
7 into evidence.)

8 MS. REPP: SFUSD moves into evidence,
9 Exhibit No. 20, a stipulated document. It's an April
10 3, 2001 E-Mail from Nicole Siwaya to Ernest Sanchez.

11 ADMIN. JUDGE SIPPEL: Objection?

12 MR. SHOOK: No objection.

13 ADMIN. JUDGE SIPPEL: Marked and received,
14 Exhibit No. 20 is marked and received.

15 (Whereupon, the above-referred
16 to document was marked into
17 evidence as SFUSD Exhibit No.
18 20, for identification.)

19 (Whereupon, the document
20 previously marked as SFUSD
21 Exhibit No. 20 was received
22 into evidence.)

23 MS. REPP: SFUSD moves into evidence a
24 stipulated document, an April 3, 2001 E-Mail from
25 Ernest Sanchez to David Campos, Jackie Wright, Nicole

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Siwaya and William Helgeson. This document is 7 pages
2 long.

3 ADMIN. JUDGE SIPPEL: And what exhibit
4 number will that be?

5 MS. REPP: Exhibit No. 21.

6 ADMIN. JUDGE SIPPEL: Any objection?

7 MR. SHOOK: No objection.

8 ADMIN. JUDGE SIPPEL: Exhibit No. 21, for
9 SFUSD, is marked and received.

10 (Whereupon, the above-referred
11 to document was marked into
12 evidence as SFUSD Exhibit No.
13 21, for identification.)

14 (Whereupon, the document
15 previously marked as SFUSD
16 Exhibit No. 21 was received
17 into evidence.)

18 Next exhibit?

19 MS. REPP: SFUSD moves into evidence,
20 Exhibit No. 22, a May 24, 2001 Report from Ernest
21 Sanchez to Superintendent Ackerman. It consists of
22 112 pages.

23 ADMIN. JUDGE SIPPEL: Okay, is there any
24 objection?

25 MR. SHOOK: No objection.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

ADMIN. JUDGE SIPPEL: Exhibit No. 22 is marked and received.

(Whereupon, the above-referred to document was marked into evidence as SFUSD Exhibit No. 22, for identification.)

(Whereupon, the document previously marked as SFUSD Exhibit No. 22 was received into evidence.)

MS. REPP: SFUSD moves into evidence Exhibit No. 23, a May 17, 2001 E-Mail Exchange between Nicole Siwaya and Ernest Sanchez, Jackie Wright and David Campos, consisting of 1 page.

ADMIN. JUDGE SIPPEL: Objection?

MR. SHOOK: Your Honor, how was this document identified?

MS. REPP: Exhibit No. 23, May 17, 2001 - I see what you're saying. Can I re-identify the document?

ADMIN. JUDGE SIPPEL: Yes, by all means.

MS. REPP: The document is a May 17, 2001 E-Mail from Jackie Wright to Nicole Siwaya, consisting of 1 page.

ADMIN. JUDGE SIPPEL: So, this is from

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Jackie Wright to Nicole Siwaya, and that's it, right?

2 MS. REPP: Well, Your Honor, I'm not sure
3 why we have a different label on our list of exhibits.
4 Could I respectfully request that if we determine that
5 there's a missing exhibit that we can ask to
6 supplement the record?

7 ADMIN. JUDGE SIPPEL: Yes, within reason,
8 certainly you're entitled to do that. But I want to
9 just be sure, before we offer this document, that I'm
10 understanding from my notes and everything that I'm
11 dealing with here, this is Exhibit No. 23, and it is
12 a one-page document, and it says that it's from Jackie
13 Wright and it's to Nicole Siwaya, and it is regarding
14 our conversation.

15 The only thing is, is that David Campos is
16 not in there. I just want to make a note on my notes
17 here, so before we move on - all right, as explained
18 and qualified, or re-identified by Ms. Repp, Exhibit
19 No. 23 is marked and received into evidence at this
20 time.

21 (Whereupon, the above-referred
22 to document was marked into
23 evidence as SFUSD Exhibit No.
24 23, for identification.)

25 (Whereupon, the document

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 previously marked as SFUSD
2 Exhibit No. 23 was received
3 into evidence.)

4 And you do have the right to substitute or
5 add to that exhibit, upon notice, sometime before we
6 close the record.

7 MS. REPP: Thank you, Your Honor. SFUSD
8 moves into evidence Exhibit No. 24, an E-Mail Exchange
9 between Nicole Siwaya and Ernest Sanchez, consisting
10 of 1 page.

11 ADMIN. JUDGE SIPPEL: Any objection?

12 MR. SHOOK: No objection.

13 ADMIN. JUDGE SIPPEL: Marked and received.

14 (Whereupon, the above-referred
15 to document was marked into
16 evidence as SFUSD Exhibit No.
17 24, for identification.)

18 (Whereupon, the document
19 previously marked as SFUSD
20 Exhibit No. 24 was received
21 into evidence.)

22 Let me just modify my earlier ruling on
23 this, since it's a document that relates to Ms.
24 Siwaya. If you're going to amend it, supplement it or
25 change it in any way, it's going to have to be done

1 before she takes the stand.

2 MS. REPP: Yes, Your Honor.

3 ADMIN. JUDGE SIPPEL: Okay.

4 MR. SHOOK: Your Honor, I'm not sure if
5 this really helps anything, but I believe part of the
6 confusion here is what was given to us, and apparently
7 what counsel for SFUSD had reflected that it came from
8 the files, the e-mail files, of Nicole Siwaya.

9 And it also includes an embedded e-mail
10 from Nicole. So, perhaps that's just part of the
11 reason for why the document was initially identified
12 as it was. I don't see right now that we're going to
13 have any problems with it, if it turns out that
14 there's a related document to be entered into
15 evidence.

16 ADMIN. JUDGE SIPPEL: Okay, we'll let that
17 run its course, just so long as that document is
18 perfectly clear as you want it to be when Ms. Siwaya
19 takes the stand, so that counsel will be able to
20 examine her on it, if she so desires.

21 MS. REPP: Yes, Your Honor.

22 ADMIN. JUDGE SIPPEL: Go ahead.

23 MS. REPP: SFUSD moves into evidence
24 Exhibit No. 25, an E-Mail Exchange between Nicole
25 Siwaya and Ernest Sanchez. This is a stipulated

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 document, and it's 1 page.

2 ADMIN. JUDGE SIPPEL: Objection?

3 MR. SHOOK: No objection.

4 ADMIN. JUDGE SIPPEL: Exhibit No. 25 is
5 marked and received.

6 (Whereupon, the above-referred
7 to document was marked into
8 evidence as SFUSD Exhibit No.
9 25, for identification.)

10 (Whereupon, the document
11 previously marked as SFUSD
12 Exhibit No. 25 was received
13 into evidence.)

14 MS. REPP: SFUSD moves into evidence as
15 Exhibit No. 26, an E-Mail Exchange between Nicole
16 Siwaya and Ernest Sanchez, consisting of 1 page.

17 ADMIN. JUDGE SIPPEL: Any objection?

18 MR. SHOOK: No objection.

19 ADMIN. JUDGE SIPPEL: Exhibit No. 26 is
20 marked and received.

21 (Whereupon, the above-referred
22 to document was marked into
23 evidence as SFUSD Exhibit No.
24 26, for identification.)

25 (Whereupon, the document

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 previously marked as SFUSD
2 Exhibit No. 26 was received
3 into evidence.)

4 MS. REPP: SFUSD moves into evidence as
5 Exhibit No. 27, a May 29, 2003 E-Mail Exchange between
6 Jackie Wright and Ernest Sanchez and Nicole Siwaya.
7 It consists of 2 pages.

8 ADMIN. JUDGE SIPPEL: Okay, is there any
9 objection?

10 MR. SHOOK: No objection.

11 ADMIN. JUDGE SIPPEL: Exhibit No. 27 is
12 marked and received.

13 (Whereupon, the above-referred
14 to document was marked into
15 evidence as SFUSD Exhibit No.
16 27, for identification.)

17 (Whereupon, the document
18 previously marked as SFUSD
19 Exhibit No. 27 was received
20 into evidence.)

21 MS. REPP: SFUSD moves into evidence as
22 Exhibit No. 28, an E-Mail Exchange between Nicole
23 Siwaya and Ernest Sanchez, consisting of 1 page.

24 ADMIN. JUDGE SIPPEL: Any objection?

25 MR. SHOOK: No objection.

ADMIN. JUDGE SIPPEL: Marked and received
as Exhibit No. 28.

(Whereupon, the above-referred
to document was marked into
evidence as SFUSD Exhibit No.
28, for identification.)

(Whereupon, the document
previously marked as SFUSD
Exhibit No. 28 was received
into evidence.)

MS. REPP: SFUSD moves into evidence
Exhibit No. 29, a July 23rd, 2002 E-Mail Exchange
between Jackie Wright and Nicole Siwaya, consisting of
1 page.

ADMIN. JUDGE SIPPEL: Objection?

MR. SHOOK: No objection.

ADMIN. JUDGE SIPPEL: Marked and received.

(Whereupon, the above-referred
to document was marked into
evidence as SFUSD Exhibit No.
29, for identification.)

(Whereupon, the document
previously marked as SFUSD
Exhibit No. 29 was received
into evidence.)

1 MS. REPP: SFUSD moves into evidence, as
2 Exhibit No. 30, an E-Mail from Nicole Siwaya to Ernest
3 Sanchez. It consists of 1 page.

4 ADMIN. JUDGE SIPPEL: Objection?

5 MR. SHOOK: No objection.

6 ADMIN. JUDGE SIPPEL: Marked and received.

7 (Whereupon, the above-referred
8 to document was marked into
9 evidence as SFUSD Exhibit No.
10 30, for identification.)

11 (Whereupon, the document
12 previously marked as SFUSD
13 Exhibit No. 30 was received
14 into evidence.)

15 MS. REPP: SFUSD moves into evidence
16 Exhibit No. 31, an E-Mail from Nicole Siwaya to Ernest
17 Sanchez. It consists of 1 page.

18 ADMIN. JUDGE SIPPEL: Objection?

19 MR. SHOOK: No objection.

20 ADMIN. JUDGE SIPPEL: Marked and received.

21 (Whereupon, the above-referred
22 to document was marked into
23 evidence as SFUSD Exhibit No.
24 31, for identification.)

25 (Whereupon, the document

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 previously marked as SFUSD
2 Exhibit No. 31 was received
3 into evidence.)

4 MS. REPP: SFUSD moves into evidence
5 Exhibit No. 32, an E-Mail from Nicole Siwaya to Ernest
6 Sanchez, consisting of 1 page.

7 ADMIN. JUDGE SIPPEL: Objection?

8 MR. SHOOK: No objection.

9 ADMIN. JUDGE SIPPEL: Marked and received.

10 (Whereupon, the above-referred
11 to document was marked into
12 evidence as SFUSD Exhibit No.
13 32, for identification.)

14 (Whereupon, the document
15 previously marked as SFUSD
16 Exhibit No. 32 was received
17 into evidence.)

18 MS. REPP: SFUSD moves into evidence,
19 Exhibit No. 33, an E-Mail from Nicole Siwaya to Ernest
20 Sanchez, consisting of 1 page.

21 ADMIN. JUDGE SIPPEL: Objection?

22 MR. SHOOK: No objection.

23 ADMIN. JUDGE SIPPEL: Marked and received.

24 (Whereupon, the above-referred
25 to document was marked into

1 evidence as SFUSD Exhibit No.
2 33, for identification.)
3 (Whereupon, the document
4 previously marked as SFUSD
5 Exhibit No. 33 was received
6 into evidence.)

7 MS. REPP: SFUSD moves into evidence
8 Exhibit No. 34, an E-Mail from Nicole Siwaya to Ernest
9 Sanchez, consisting of 1 page.

10 ADMIN. JUDGE SIPPEL: Objection?

11 MR. SHOOK: No objection.

12 ADMIN. JUDGE SIPPEL: Marked and received.

13 (Whereupon, the above-referred
14 to document was marked into
15 evidence as SFUSD Exhibit No.
16 34, for identification.)

17 (Whereupon, the document
18 previously marked as SFUSD
19 Exhibit No. 34 was received
20 into evidence.)

21 MS. REPP: SFUSD moves into evidence
22 Exhibit No. 35, an E-Mail from Nicole Siwaya to Ernest
23 Sanchez, Re: Any News?, consisting of 1 page.

24 ADMIN. JUDGE SIPPEL: Objection?

25 MR. SHOOK: No objection.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 ADMIN. JUDGE SIPPEL: Marked and received.

2 (Whereupon, the above-referred
3 to document was marked into
4 evidence as SFUSD Exhibit No.
5 35, for identification.)

6 (Whereupon, the document
7 previously marked as SFUSD
8 Exhibit No. 35 was received
9 into evidence.)

10 MS. REPP: SFUSD moves into evidence
11 Exhibit No. 36, an E-Mail from Nicole Siwaya to Ernest
12 Sanchez, Re: It is now May, consisting of 1 page.

13 ADMIN. JUDGE SIPPEL: Any objection?

14 MR. SHOOK: No objection.

15 ADMIN. JUDGE SIPPEL: Marked and received.

16 (Whereupon, the above-referred
17 to document was marked into
18 evidence as SFUSD Exhibit No.
19 36, for identification.)

20 (Whereupon, the document
21 previously marked as SFUSD
22 Exhibit No. 36 was received
23 into evidence.)

24 MS. REPP: SFUSD moves into evidence
25 Exhibit No. 37, an E-Mail from Nicole Siwaya to Ernest

1 Sanchez, Re: News, consisting of 1 page.

2 ADMIN. JUDGE SIPPEL: Objection?

3 MR. SHOOK: No objection.

4 ADMIN. JUDGE SIPPEL: Marked and received.

5 (Whereupon, the above-referred
6 to document was marked into
7 evidence as SFUSD Exhibit No.
8 37, for identification.)

9 (Whereupon, the document
10 previously marked as SFUSD
11 Exhibit No. 37 was received
12 into evidence.)

13 MS. REPP: SFUSD moves into evidence
14 Exhibit No. 38, an E-Mail from Nicole Siwaya to Ernest
15 Sanchez, Re: License and Letters, consisting of 1
16 page.

17 ADMIN. JUDGE SIPPEL: Objection?

18 MR. SHOOK: No objection.

19 ADMIN. JUDGE SIPPEL: Marked and received.

20 That's Exhibit No. 38.

21 (Whereupon, the above-referred
22 to document was marked into
23 evidence as SFUSD Exhibit No.
24 38, for identification.)

25 (Whereupon, the document

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 previously marked as SFUSD
2 Exhibit No. 38 was received
3 into evidence.)

4 MS. REPP: SFUSD moves into evidence, as
5 Exhibit No. 39, the June 29, 2004 E-Mail from Nicole
6 Siwaya to William Helgeson, Re: Quarterly Issues
7 Programs List, consisting of 1 page.

8 ADMIN. JUDGE SIPPEL: Objection?

9 MR. SHOOK: No objection.

10 ADMIN. JUDGE SIPPEL: Marked and received.

11 (Whereupon, the above-referred
12 to document was marked into
13 evidence as SFUSD Exhibit No.
14 39, for identification.)

15 (Whereupon, the document
16 previously marked as SFUSD
17 Exhibit No. 39 was received
18 into evidence.)

19 MS. REPP: SFUSD moves into evidence, as
20 Exhibit No. 40, a June 30, 2004 E-Mail from William
21 Helgeson to Nicole Siwaya, Re: NS Programs List.

22 ADMIN. JUDGE SIPPEL: Any objection?

23 MR. SHOOK: No objection.

24 ADMIN. JUDGE SIPPEL: Marked and received.

25 (Whereupon, the above-referred

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to document was marked into
2 evidence as SFUSD Exhibit No.
3 40, for identification.)

4 (Whereupon, the document
5 previously marked as SFUSD
6 Exhibit No. 40 was received
7 into evidence.)

8 ADMIN. JUDGE SIPPEL: That's Exhibit No.
9 40, right?

10 MS. REPP: Yes, Your Honor.

11 ADMIN. JUDGE SIPPEL: Okay, next one?

12 MS. REPP: SFUSD moves into evidence
13 Exhibit No. 41, an April 5, 2004 E-Mail from Bill
14 Helgeson to Nicole Siwaya, Re: Public File, consisting
15 of 1 page.

16 ADMIN. JUDGE SIPPEL: Any objection?

17 MR. SHOOK: No objection.

18 ADMIN. JUDGE SIPPEL: Marked and received.

19 (Whereupon, the above-referred
20 to document was marked into
21 evidence as SFUSD Exhibit No.
22 41, for identification.)

23 (Whereupon, the document
24 previously marked as SFUSD
25 Exhibit No. 41 was received

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 into evidence.)

2 MS. REPP: SFUSD moves into evidence
3 Exhibit No. 42, a July 1, 2001 E-mail from Nicole
4 Siwaya to William Helgeson, Re: The Public File,
5 consisting of 1 page.

6 ADMIN. JUDGE SIPPEL: Any objection?

7 MR. SHOOK: No objection.

8 ADMIN. JUDGE SIPPEL: It's marked and
9 received.

10 (Whereupon, the above-referred
11 to document was marked into
12 evidence as SFUSD Exhibit No.
13 42, for identification.)

14 (Whereupon, the document
15 previously marked as SFUSD
16 Exhibit No. 42 was received
17 into evidence.)

18 MS. REPP: SFUSD moves into evidence
19 Exhibit No. 43, a January 28, 2004 E-mail from Nicole
20 Siwaya to Bill Helgeson, Re: The Public File,
21 consisting of 1 page.

22 ADMIN. JUDGE SIPPEL: Exhibit No. 43, any
23 objection?

24 MR. SHOOK: No objection.

25 ADMIN. JUDGE SIPPEL: Exhibit No. 43 is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 marked and received.

2 (Whereupon, the above-referred
3 to document was marked into
4 evidence as SFUSD Exhibit No.
5 43, for identification.)

6 (Whereupon, the document
7 previously marked as SFUSD
8 Exhibit No. 43 was received
9 into evidence.)

10 MS. REPP: SFUSD moves into evidence, as
11 Exhibit No. 44, an October 6, 2004 E-Mail from Nicole
12 Siwaya to various radio hosts, Re: Issues Programs
13 List - Important, Please Read, consisting of 1 page.

14 ADMIN. JUDGE SIPPEL: Any objection?

15 MR. SHOOK: No objection.

16 ADMIN. JUDGE SIPPEL: Okay, Exhibit No. 44
17 is marked and received.

18 (Whereupon, the above-referred
19 to document was marked into
20 evidence as SFUSD Exhibit No.
21 44, for identification.)

22 (Whereupon, the document
23 previously marked as SFUSD
24 Exhibit No. 44 was received
25 into evidence.)

1 MS. REPP: SFUSD moves into evidence
2 Exhibit No. 45, an October 21, 2004 Letter from Nicole
3 Siwaya to Myong Lei and Lorna Ho, consisting of 1
4 page.

5 ADMIN. JUDGE SIPPEL: Okay, any objection?

6 MR. SHOOK: No objection.

7 ADMIN. JUDGE SIPPEL: Exhibit No. 45 is
8 marked and received.

9 (Whereupon, the above-referred
10 to document was marked into
11 evidence as SFUSD Exhibit No.
12 45, for identification.)

13 (Whereupon, the document
14 previously marked as SFUSD
15 Exhibit No. 45 was received
16 into evidence.)

17 MS. REPP: SFUSD moves into evidence
18 Exhibit No. 46, a December 21, 2004 State of the
19 Station Report 2004, consisting of 5 pages.

20 ADMIN. JUDGE SIPPEL: Any objection?

21 MR. SHOOK: No objection.

22 ADMIN. JUDGE SIPPEL: Okay, Exhibit No. 46
23 is marked and received.

24 (Whereupon, the above-referred
25 to document was marked into

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 evidence as SFUSD Exhibit No.
2 46, for identification.)
3 (Whereupon, the document
4 previously marked as SFUSD
5 Exhibit No. 46 was received
6 into evidence.)

7 MS. REPP: SFUSD moves into evidence
8 Exhibit No. 47, a stipulate document - KALW Program
9 Guides from July 2003 to July 2004, consisting of 120
10 pages.

11 ADMIN. JUDGE SIPPEL: Objection here?

12 MR. SHOOK: No objection.

13 ADMIN. JUDGE SIPPEL: Okay, that is
14 Exhibit No. 47, 120 pages, it's marked and received as
15 Exhibit No. 47.

16 (Whereupon, the above-referred
17 to document was marked into
18 evidence as SFUSD Exhibit No.
19 47, for identification.)

20 (Whereupon, the document
21 previously marked as SFUSD
22 Exhibit No. 47 was received
23 into evidence.)

24 MS. REPP: SFUSD moves into evidence
25 Exhibit No. 48, a September 27, 2004 Memo from Arlene

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Ackerman to David Campos, Lorna Ho, Myong Lei, Angie
2 Miller and Nicole Siwaya, Re: Directives, consisting
3 of 1 page.

4 ADMIN. JUDGE SIPPEL: Is there any
5 objection?

6 MR. SHOOK: No objection.

7 ADMIN. JUDGE SIPPEL: That's SFUSD Exhibit
8 No. 48. It is marked and received into evidence as
9 Exhibit No. 48.

10 (Whereupon, the above-referred
11 to document was marked into
12 evidence as SFUSD Exhibit No.
13 48, for identification.)

14 (Whereupon, the document
15 previously marked as SFUSD
16 Exhibit No. 48 was received
17 into evidence.)

18 ADMIN. JUDGE SIPPEL: Does that complete
19 your documentary evidence?

20 MS. REPP: No, Your Honor, we're just
21 taking a break to volume 2.

22 (Laughter.)

23 ADMIN. JUDGE SIPPEL: Oh. Do I have that?
24 Yes, I do. Okay, the hits just keep on coming. Do
25 you want to - are you prepared to keep going?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. REPP: Yes, Your Honor.

2 ADMIN. JUDGE SIPPEL: All right, I don't
3 want you to lose your voice.

4 (Laughter.)

5 MS. REPP: SFUSD moves into evidence
6 proposed Exhibit No. 49, a List of Specific Programs
7 Produced or Co-Produced by Alan Farley, consisting of
8 37 pages.

9 ADMIN. JUDGE SIPPEL: And is there any
10 objection?

11 MR. SHOOK: No objection.

12 ADMIN. JUDGE SIPPEL: Exhibit No. 49 is
13 marked and received.

14 (Whereupon, the above-referred
15 to document was marked into
16 evidence as SFUSD Exhibit No.
17 49, for identification.)

18 (Whereupon, the document
19 previously marked as SFUSD
20 Exhibit No. 49 was received
21 into evidence.)

22 MS. REPP: SFUSD moves into evidence, as
23 Exhibit No. 50, a Declaration of Ester Casto, Re:
24 Board Meetings Program, consisting of 1 page.

25 ADMIN. JUDGE SIPPEL: Any objection?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. SHOOK: No objection.

2 ADMIN. JUDGE SIPPEL: Exhibit No. 50 is
3 marked and received.

4 (Whereupon, the above-referred
5 to document was marked into
6 evidence as SFUSD Exhibit No.
7 50, for identification.)

8 (Whereupon, the document
9 previously marked as SFUSD
10 Exhibit No. 50 was received
11 into evidence.)

12 MS. REPP: SFUSD moves into evidence
13 Exhibit No. 51, Declaration of John Tribble,
14 consisting of 4 pages.

15 ADMIN. JUDGE SIPPEL: Objection?

16 MR. SHOOK: We love John, no objection.

17 ADMIN. JUDGE SIPPEL: Okay. Marked and
18 received.

19 (Whereupon, the above-referred
20 to document was marked into
21 evidence as SFUSD Exhibit No.
22 51, for identification.)

23 (Whereupon, the document
24 previously marked as SFUSD
25 Exhibit No. 51 was received

1 into evidence.)

2 MS. REPP: SFUSD moves into evidence, as
3 Exhibit No. 52, a Declaration of Rose Levenson,
4 consisting of 15 pages.

5 ADMIN. JUDGE SIPPEL: Objection?

6 MR. SHOOK: No objection.

7 ADMIN. JUDGE SIPPEL: Exhibit No. 52 is
8 marked and received.

9 (Whereupon, the above-referred
10 to document was marked into
11 evidence as SFUSD Exhibit No.
12 52, for identification.)

13 (Whereupon, the document
14 previously marked as SFUSD
15 Exhibit No. 52 was received
16 into evidence.)

17 MS. REPP: SFUSD moves into evidence
18 Exhibit No. 53, a Declaration of Ricardo Esway,
19 consisting of 2 pages.

20 ADMIN. JUDGE SIPPEL: Any objection?

21 MR. SHOOK: No objection.

22 ADMIN. JUDGE SIPPEL: Exhibit No. 53 is
23 marked and received.

24 (Whereupon, the above-referred
25 to document was marked into

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 evidence as SFUSD Exhibit No.
2 53, for identification.)
3 (Whereupon, the document
4 previously marked as SFUSD
5 Exhibit No. 53 was received
6 into evidence.)

7 MS. REPP: SFUSD moves into evidence
8 Exhibit No. 54, a Declaration of Martin Nemko,
9 consisting of 5 pages.

10 ADMIN. JUDGE SIPPEL: Any objection?

11 MR. SHOOK: No objection.

12 ADMIN. JUDGE SIPPEL: Okay, Exhibit No. 54
13 is marked and received.

14 (Whereupon, the above-referred
15 to document was marked into
16 evidence as SFUSD Exhibit No.
17 54, for identification.)

18 (Whereupon, the document
19 previously marked as SFUSD
20 Exhibit No. 54 was received
21 into evidence.)

22 MS. REPP: SFUSD moves into evidence
23 Exhibit No. 55, a Declaration of Chuck Pinney,
24 consisting 110 pages.

25 ADMIN. JUDGE SIPPEL: Okay, is there any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 objection?

2 MR. SHOOK: No objection.

3 ADMIN. JUDGE SIPPEL: That's marked and
4 received, all 110 pages. That's Exhibit No. 55.

5 (Whereupon, the above-referred
6 to document was marked into
7 evidence as SFUSD Exhibit No.
8 55, for identification.)

9 (Whereupon, the document
10 previously marked as SFUSD
11 Exhibit No. 55 was received
12 into evidence.)

13 MS. REPP: SFUSD moves into evidence
14 Exhibit No. 56, a Declaration of JoAnne Mar,
15 consisting of 11 pages.

16 ADMIN. JUDGE SIPPEL: Any objection?

17 MR. SHOOK: Just a general objection that
18 we had made in the beginning, Your Honor, relative to
19 whether or not the programming covered in here would
20 be considered meritorious programming or be considered
21 meritorious service.

22 But just to give you a heads up on that,
23 it's proposed Exhibit Nos. 56-60, the Bureau would
24 have the same objection.

25 ADMIN. JUDGE SIPPEL: All right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. SHOOK: Your Honor has already ruled
2 on that, so we understand what's going to happen here.

3 ADMIN. JUDGE SIPPEL: Right, okay. That's
4 fair notice. Subject, then, to the Bureau's
5 objection, which is a standing objection and will be
6 considered all the way through findings, Exhibit No.
7 56 is marked and is received into evidence and, so I
8 don't have to repeat myself, that will be my same
9 ruling with respect to Exhibit Nos. 57, 58, 59 and 60.
10 Is that correct?

11 (Whereupon, the above-referred
12 to document was marked into
13 evidence as SFUSD Exhibit No.
14 56, for identification.)

15 (Whereupon, the document
16 previously marked as SFUSD
17 Exhibit No. 56 was received
18 into evidence.)

19 MR. SHOOK: Yes, Your Honor. We would
20 also have the same objections for SFUSD proposed
21 Exhibit Nos. 62, 63, 69 and 70.

22 ADMIN. JUDGE SIPPEL: All right, I've got
23 that noted in my notes. And the record will so
24 reflect my ruling will be the same. But I'm not going
25 to repeat the ruling.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. SHOOK: Right. And then, other than
2 that, Your Honor, just to shortcut the process, we
3 don't have any objection otherwise.

4 ADMIN. JUDGE SIPPEL: Okay, thank you very
5 much. You may proceed then, Ms. Repp, with Exhibit
6 No. 57.

7 MS. REPP: Sir, Your Honor, Exhibit No.
8 56 has been received into the record?

9 ADMIN. JUDGE SIPPEL: If not, I'll make
10 sure that it is. Exhibit No. 56 is marked and
11 received into evidence.

12 MS. REPP: Your Honor, SFUSD moves into
13 evidence Exhibit No. 57, a Declaration of Henri Pierre
14 Koubaka, and it consists of 2 pages.

15 ADMIN. JUDGE SIPPEL: With your objection
16 as noted, it's marked and received into evidence.

17 (Whereupon, the above-referred
18 to document was marked into
19 evidence as SFUSD Exhibit No.
20 57, for identification.)

21 (Whereupon, the document
22 previously marked as SFUSD
23 Exhibit No. 57 was received
24 into evidence.)

25 MS. REPP: SFUSD moves into evidence

1 Exhibit No. 58, a Declaration of Mark Natulin,
2 consisting of 1 page.

3 ADMIN. JUDGE SIPPEL: Okay, objection
4 noted. Markd and received into evidence.

5 (Whereupon, the above-referred
6 to document was marked into
7 evidence as SFUSD Exhibit No.
8 58, for identification.)

9 (Whereupon, the document
10 previously marked as SFUSD
11 Exhibit No. 58 was received
12 into evidence.)

13 MS. REPP: SFUSD moves into evidence
14 Exhibit No. 59, a Declaration of Kevin Vance,
15 consisting of 9 pages.

16 ADMIN. JUDGE SIPPEL: Objection noted,
17 marked and received into evidence.

18 (Whereupon, the above-referred
19 to document was marked into
20 evidence as SFUSD Exhibit No.
21 59, for identification.)

22 (Whereupon, the document
23 previously marked as SFUSD
24 Exhibit No. 59 was received
25 into evidence.)

1 MS. REPP: SFUSD moves into evidence the
2 Declaration of Dorie Steinberg, consisting of 4 pages.

3 ADMIN. JUDGE SIPPEL: Objection noted,
4 marked and received into evidence, is Exhibit No. 60.

5 (Whereupon, the above-referred
6 to document was marked into
7 evidence as SFUSD Exhibit No.
8 60, for identification.)

9 (Whereupon, the document
10 previously marked as SFUSD
11 Exhibit No. 60 was received
12 into evidence.)

13 MS. REPP: SFUSD moves into evidence
14 Exhibit No. 61, a Declaration of Paul Lind, consisting
15 of 2 pages.

16 ADMIN. JUDGE SIPPEL: Any objection here?

17 MR. SHOOK: No objection.

18 ADMIN. JUDGE SIPPEL: Okay, that's marked
19 and received.

20 (Whereupon, the above-referred
21 to document was marked into
22 evidence as SFUSD Exhibit No.
23 61, for identification.)

24 (Whereupon, the document
25 previously marked as SFUSD

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Exhibit No. 61 was received
2 into evidence.)

3 MS. REPP: SFUSD moves into evidence
4 Exhibit No. 62, a Declaration of Jonathan Hewer, 1
5 page.

6 ADMIN. JUDGE SIPPEL: Objection noted,
7 marked and received.

8 (Whereupon, the above-referred
9 to document was marked into
10 evidence as SFUSD Exhibit No.
11 62, for identification.)

12 (Whereupon, the document
13 previously marked as SFUSD
14 Exhibit No. 62 was received
15 into evidence.)

16 MS. REPP: SFUSD moves into evidence
17 Exhibit No. 63, a Declaration of Keith Roman Marisec,
18 AKA Roman Mars, consisting of 8 pages.

19 ADMIN. JUDGE SIPPEL: Okay, objection
20 noted, marked and received.

21 (Whereupon, the above-referred
22 to document was marked into
23 evidence as SFUSD Exhibit No.
24 63, for identification.)

25 (Whereupon, the document

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 previously marked as SFUSD
2 Exhibit No. 63 was received
3 into evidence.)

4 MS. REPP: SFUSD moves into evidence
5 Exhibit No. 64, a Declaration of Dana Rodriguez,
6 consisting of 1 page.

7 ADMIN. JUDGE SIPPEL: Any objection?

8 MR. SHOOK: No objection.

9 ADMIN. JUDGE SIPPEL: Marked and received.

10 (Whereupon, the above-referred
11 to document was marked into
12 evidence as SFUSD Exhibit No.
13 64, for identification.)

14 (Whereupon, the document
15 previously marked as SFUSD
16 Exhibit No. 64 was received
17 into evidence.)

18 MS. REPP: SFUSD moves into evidence, a
19 Declaration of Ben Manila, consisting of 12 pages.

20 ADMIN. JUDGE SIPPEL: Any objection?

21 MR. SHOOK: No objection.

22 ADMIN. JUDGE SIPPEL: That's Exhibit No.
23 65, marked and received.

24 (Whereupon, the above-referred
25 to document was marked into

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 evidence as SFUSD Exhibit No.
2 65, for identification.)
3 (Whereupon, the document
4 previously marked as SFUSD
5 Exhibit No. 65 was received
6 into evidence.)

7 MS. REPP: SFUSD moves into evidence the
8 Declaration of Holly B. Kernan, consisting of 11
9 pages.

10 ADMIN. JUDGE SIPPEL: Any objection?

11 MR. SHOOK: No objection.

12 ADMIN. JUDGE SIPPEL: Okay, Exhibit No. 66
13 is marked and received.

14 (Whereupon, the above-referred
15 to document was marked into
16 evidence as SFUSD Exhibit No.
17 66, for identification.)

18 (Whereupon, the document
19 previously marked as SFUSD
20 Exhibit No. 66 was received
21 into evidence.)

22 MS. REPP: SFUSD moves into evidence
23 Exhibit No. 67, a Declaration of Neal Softman,
24 consisting of 4 pages.

25 ADMIN. JUDGE SIPPEL: Any objection?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. SHOOK: No objection.

2 ADMIN. JUDGE SIPPEL: Exhibit No. 67 is
3 marked and received.

4 (Whereupon, the above-referred
5 to document was marked into
6 evidence as SFUSD Exhibit No.
7 67, for identification.)

8 (Whereupon, the document
9 previously marked as SFUSD
10 Exhibit No. 67 was received
11 into evidence.)

12 MS. REPP: SFUSD moves into evidence, as
13 Exhibit No. 68, a Declaration of Matt Martin,
14 consisting of 56 pages.

15 ADMIN. JUDGE SIPPEL: Any objection?

16 MR. SHOOK: No objection.

17 ADMIN. JUDGE SIPPEL: Exhibit No. 68 is
18 marked and received.

19 (Whereupon, the above-referred
20 to document was marked into
21 evidence as SFUSD Exhibit No.
22 68, for identification.)

23 (Whereupon, the document
24 previously marked as SFUSD
25 Exhibit No. 68 was received

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 into evidence.)

2 MS. REPP: SFUSD moves into evidence
3 Exhibit No. 69, a Declaration of Peter Thompson,
4 consisting of 11 pages.

5 ADMIN. JUDGE SIPPEL: Okay, objection
6 noted, marked and received.

7 (Whereupon, the above-referred
8 to document was marked into
9 evidence as SFUSD Exhibit No.
10 69, for identification.)

11 (Whereupon, the document
12 previously marked as SFUSD
13 Exhibit No. 69 was received
14 into evidence.)

15 MS. REPP: SFUSD moves into evidence
16 Exhibit No. 70, a Declaration of Sarah Cahill,
17 consisting of 3 pages.

18 ADMIN. JUDGE SIPPEL: All right, objection
19 noted, marked and received.

20 (Whereupon, the above-referred
21 to document was marked into
22 evidence as SFUSD Exhibit No.
23 70, for identification.)

24 (Whereupon, the document
25 previously marked as SFUSD

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Exhibit No. 70 was received
2 into evidence.)

3 MS. REPP: You know, Your Honor, that we
4 have an original signature on this - the copy that you
5 had has a typed signature. Would Your Honor like a
6 separate copy of this?

7 ADMIN. JUDGE SIPPEL: Is this Exhibit No.
8 71?

9 MS. REPP: This is Exhibit No. 70.

10 ADMIN. JUDGE SIPPEL: Exhibit No. 70?

11 MS. REPP: The Declaration of Sarah
12 Cahill.

13 ADMIN. JUDGE SIPPEL: That's the one that
14 came in under an objection? I see. Does the Court
15 Reporter have one with a signature?

16 MS. REPP: Yes, he does.

17 ADMIN. JUDGE SIPPEL: I have no problem.
18 I don't need one then.

19 MS. REPP: Okay.

20 ADMIN. JUDGE SIPPEL: There's no
21 authenticity problem here?

22 MR. SHOOK: No, Your Honor. Our concern
23 isn't with Sarah Cahill's typed or signed declaration.

24 ADMIN. JUDGE SIPPEL: All right. Then we
25 are marked and received, with respect to Exhibit No.

1 70.

2 MS. REPP: Thank you, Your Honor. SFUSD
3 moves into evidence Exhibit No. 71.

4 ADMIN. JUDGE SIPPEL: That's public
5 witness testimony?

6 MS. REPP: Public witness testimony
7 consisting of 40 pages.

8 ADMIN. JUDGE SIPPEL: Okay, and are these
9 individual - this is not just one public witness?
10 This is a series of public witnesses?

11 MS. REPP: That's correct, Your Honor.
12 There are close to 40 statements in here of public
13 witnesses.

14 ADMIN. JUDGE SIPPEL: Okay, so there's
15 about 40 witnesses?

16 MS. REPP: Yes, Your Honor.

17 ADMIN. JUDGE SIPPEL: Not quite. That's
18 okay, we can - I can account for it. But 40 pages for
19 this exhibit, and that is - is there any objection to
20 this?

21 MR. SHOOK: No objection.

22 ADMIN. JUDGE SIPPEL: Okay, then Exhibit
23 No. 71 is marked and received.

24 (Whereupon, the above-referred
25 to document was marked into

1 evidence as SFUSD Exhibit No.
2 71, for identification.)
3 (Whereupon, the document
4 previously marked as SFUSD
5 Exhibit No. 71 was received
6 into evidence.)

7 MS. REPP: SFUSD moves into the record
8 Exhibit No. 72, a Board of Education Resolution No.
9 54-26811, consisting of 1 page.

10 ADMIN. JUDGE SIPPEL: Any objection?

11 MR. SHOOK: No objection.

12 ADMIN. JUDGE SIPPEL: It's marked and
13 received as Exhibit No. 72.

14 (Whereupon, the above-referred
15 to document was marked into
16 evidence as SFUSD Exhibit No.
17 72, for identification.)

18 (Whereupon, the document
19 previously marked as SFUSD
20 Exhibit No. 72 was received
21 into evidence.)

22 MS. REPP: SFUSD moves into evidence
23 Exhibit No. 73, Letters and E-Mails from Listeners,
24 consisting of 53 pages.

25 ADMIN. JUDGE SIPPEL: Any objections?

1 MR. SHOOK: No objection.

2 ADMIN. JUDGE SIPPEL: That's marked and
3 received, that's SFUSD Exhibit No. 73.

4 (Whereupon, the above-referred
5 to document was marked into
6 evidence as SFUSD Exhibit No.
7 73, for identification.)

8 (Whereupon, the document
9 previously marked as SFUSD
10 Exhibit No. 73 was received
11 into evidence.)

12 ADMIN. JUDGE SIPPEL: Okay, that's it for
13 the second book.

14 MS. REPP: Your Honor, we have received
15 some additional materials from members of the public.
16 We happen to have three that are in the form of
17 declarations. Would now be an appropriate time to ask
18 if they can be entered into the record, or would you
19 like us to do it along with the materials that are
20 being collected in the Secretary's office from the
21 public?

22 ADMIN. JUDGE SIPPEL: I think I would - do
23 you have any preference on this, Mr. Shook?

24 MR. SHOOK: It really doesn't matter to
25 me.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 ADMIN. JUDGE SIPPEL: I think that the way
2 to handle that would be to keep it together with what
3 is coming in, assuming that more will be coming in,
4 and at an appropriate time I'd say something like -
5 I'll have to issue an order on this, but it'd be like
6 10 days after we've closed the hearing record in this
7 case.

8 They're to be filed as - a joint exhibit.
9 I guess comments are going to run both ways on this,
10 I'm assuming. Is that okay, Mr. Shook, to come in as
11 a joint exhibit?

12 MR. SHOOK: That should probably be fine.

13 MS. REPP: Yes, Your Honor, that's fine
14 with us.

15 ADMIN. JUDGE SIPPEL: All right. Okay, is
16 that it, then, Ms. Repp?

17 MS. REPP: Yes, Your Honor.

18 ADMIN. JUDGE SIPPEL: That's your
19 documentary case?

20 MS. REPP: That is, indeed.

21 ADMIN. JUDGE SIPPEL: Okay. And it's also
22 your testimonial case, too, on direct testimony?
23 Okay. Then it's - Ms. Repp, you've met your burden to
24 proceed. And now it's up to the Bureau. Mr. Shook,
25 or Ms. Leavitt, whichever?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. SHOOK: Your Honor, to speed things
2 along, I would request that a 10-minute break - we had
3 noticed before, but did not, unfortunately, take the
4 time completely mark our exhibits.

5 Some of the duplicate exhibits that are
6 already received as SFUSD exhibits. And so, rather
7 than go through the exercise of trying to figure out
8 as we're going along, which of those exhibits have
9 been duplicated, we'd ask for 10 minutes to make sure
10 that we have that right.

11 And so, when we come back on the record,
12 it will proceed a lot more smoothly.

13 ADMIN. JUDGE SIPPEL: All right, well I
14 have about 10:55 A.M., by that clock in the back of
15 the room. We'll come back in at about 11:18 A.M.

16 MR. SHOOK: That's should be more than
17 sufficient.

18 ADMIN. JUDGE SIPPEL: Okay, then, we're
19 off the record. Thank you.

20 (Whereupon, the foregoing matter went off
21 the record at 10:52 A.M. and came back on the record
22 at 11:16 A.M.)

23 ADMIN. JUDGE SIPPEL: We're ready to
24 proceed now with the Bureau's documentary exhibits.

25 MR. SHOOK: Thank you, Your Honor.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 ADMIN. JUDGE SIPPEL: And how would you
2 like to proceed?

3 MR. SHOOK: Well, I'll rattle them off
4 one-by-one.

5 ADMIN. JUDGE SIPPEL: All right.

6 MR. SHOOK: Previously, Your Honor, we
7 have provided the Court Reporter with an entire set of
8 our proposed exhibits. And our first proposed Exhibit
9 No. 1 is the Testimony of Penelope Dade, which
10 consists of 1 page.

11 ADMIN. JUDGE SIPPEL: Is there any
12 objection to that?

13 MS. REPP: No, Your Honor.

14 ADMIN. JUDGE SIPPEL: It's marked and
15 received as Bureau - now, these will be Bureau
16 Exhibits now, Bureau Exhibit No. 1.

17 MR. SHOOK: Yes, Sir.

18 ADMIN. JUDGE SIPPEL: Bureau Exhibit No.
19 1, the Testimony of Penelope Dade, marked and
20 received.

21 (Whereupon, the above-referred
22 to document was marked into
23 evidence as Bureau Exhibit No.
24 1, for identification.)

25 (Whereupon, the document